

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06cr167

UNITED STATES OF AMERICA

vs.

JOSHUA STEVEN MAYTON (3)

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for a recommendation for early release from confinement. (Doc. Nos. 74).

Title 18, United States Code, Section 3624(c) allows the Bureau of Prisons (BOP) to place a prisoner in pre-release custody under conditions for the last portion of his sentence to prepare him for re-entry into the community. The Second Chance Act of 2007, among other things, expanded the allowable time period for pre-release custody from six to twelve months. Pub. L. No. 110-199, § 251, 122 Stat. 657, 692-93 (2008). The Act clearly states that it does not alter the BOP's authority to designate the place of the prisoner's imprisonment under 18 U.S.C. § 3621, and prohibits a court from ordering that a sentence be served in a community confinement facility. Id.

The defendant recognizes the Court's inability to order pre-release custody to a residential re-entry center, but asks the Court to recommend such placement. Without stating an opinion on the defendant's fitness, the Court declines to recommend his release because the BOP is in a better position to make the necessary assessment.

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the United States Probation office.

Signed: November 24, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

